
2024/0179

Philip Mosley

Retrospective planning application for repositioning of previously approved agricultural building for livestock under planning application 2020/1212 (Erection of general purpose agricultural building)

Baggerwood Farm, Bagger Wood Road, Hood Green, Sheffield, S35 7AX

Site Location & Description

The site is an existing farmstead located on Bagger Wood Road. The farm consists of several buildings located close together, with two access points and a residential farmhouse. The dwellinghouse is accessed via the eastern entrance and the agricultural buildings (including that proposed) are accessed via the western access.

The site is washed over by Green Belt, situated between the villages of Hood Green to the North-East, Crane Moor to the South and Thurgoland to the West. The area is largely open, undeveloped green belt land with scattered pockets of development in the area including a row of terraced residential dwellings to the West named 'Eastfield Cottages' and a property called Fieldhead to the East.

There is a public footpath (Stainborough CP Path Number: 19) running through the application site with a stile in the North-West corner. The footpath runs from North-West to South-East, then South, through the adjacent fields (which fall outside of the red line boundary), eventually leading into the nearby village of Crane Moor.

There is an established wooded area to the west of the site, with some large trees along the field boundary. The farmhouse has been renovated and extended in recent years, with an application approved in 2019 (2019/0187) with subsequent variations (2019/0527 and 2020/1149).

The northern boundary of the farm is defined by a traditional stone wall which runs parallel with Bagger Wood Road.

The new building to which this application relates is positioned to the west of the existing buildings, adjacent to the wooded area.

Site History

B/91/1695/PR – Construction of vehicular access, UNKNOWN DECISION

2019/0187 – Erection of two storey extension to side/rear, single storey rear extension, detached outbuilding to form garage/wood store, and provision of new 1.5m high dry stone wall on the front boundary, GRANTED, 12/4/2019

2019/0257 – Variation of condition 2 (approved plans) of planning permission 2019/0187 to enable design changes, GRANTED, 5/7/2019

2020/1149 - Variation of condition 2 (approved plans) of planning permission 2019/0527 to enable design changes, GRANTED, 5/1/2020

2020/1212 - Erection of general purpose agricultural building, GRANTED, 20/5/2022

Proposed Development

This application relates to a retrospective development. Permission for an agricultural building was granted (ref: 2020/1212) in May 2022. However, the siting and size of the constructed building does not accord with the approved plans attached to that permission. This application therefore seeks to regularise the consent.

The constructed building sits slightly west and to the north of the previously approved position, as shown on the following plan (2020/1212 approved position in orange).

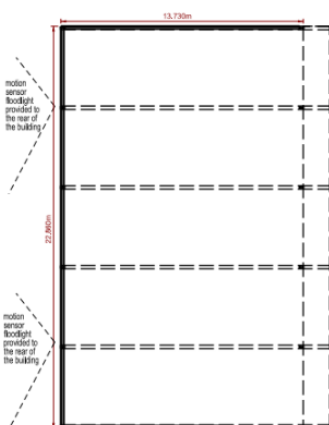
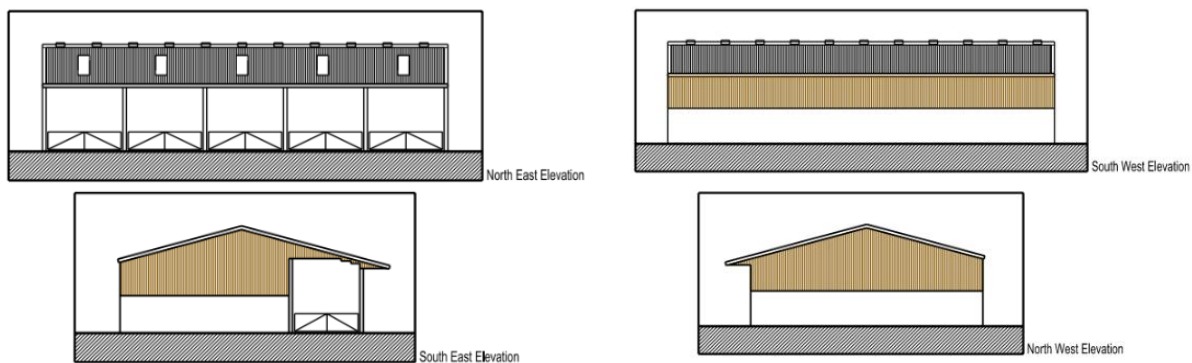


The above plan also indicates that the north-eastern corner of the building intersects the PROW (path number: 19) which runs across the site. The applicant has suggested diverting this path around the perimeter of the field as also indicated in the orange dashed line.

The red line boundary is L-shape and includes the access arrangements to serve the building.

The size and scale of the proposed building is the similar that previously approved, being 22.8m x 13.7m (footprint of circa 310sqm) albeit the roof shape has changed to create a small overhang of 1.5m. This elongated roof design does however mean the roof ridge height is reduced in comparison to the previous proposal, with a height of 6m.

The building is finished in blockwork with timber cladding and metal sheet roofing. The building will primarily be used for livestock but also for general storage associated with the agricultural uses.



Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

National Planning Policy Framework – December 2023

The National Planning Policy Framework (NPPF) was revised in December 2023, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

Section 11- Making Effective Use of Land

Section 12- Achieving Well-designed and Beautiful Places

Section 13- Protecting Green Belt Land

Barnsley Local Plan

The site is washed over by Green Belt as defined in the adopted Local Plan.

The following Local Plan policies are relevant:

Policy GD1: General Development

Policy D1: High Quality Design and Place Making

Policy SD1: Presumption in favour of Sustainable Development

Policy GB1: Protection of Green Belt

Policy GB2: Replacement, Extension and Alteration of Existing Buildings in the Green Belt

Policy T4: New Development and Transport Safety

Policy LC1: Landscape Character

Policy POLL1: Pollution Control and Protection

Policy BIO1: Biodiversity and Geodiversity

Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Sustainable Construction & Climate Change, July 2023

Biodiversity & Geodiversity, May 2019

Consultations

Biodiversity – Query regarding whether the bat and bird boxes have been installed as per the recommendations included in the ecology survey submitted with the 2020/1212 permission. Condition attached to ensure that these are installed within one month of this decision, no objection on this basis.

Coal Authority- Clarification provided in response to the query initially raised regarding the validity of the previous Coal Mining Risk Assessment (submitted with the previous application). Updated comments confirm that there is no objection on this basis.

Forestry Officer- No objections.

Highways DC- No objections albeit further consultation with PROW is recommended. No conditions required.

Drainage- No objections/conditions required.

Pollution Control- No objections/conditions required.

Public Rights of Way- There is no objection in principle to the proposed footpath diversion, however this would be assessed further upon a diversion application being received. Addressed further below.

South Yorkshire Mining Advisory Service- No objections, Coal Authority standing advice to be attached as an informative.

Parish Council- No response.

Local Councillors- No response.

Representations

This application has been advertised in accordance with the Development Management Procedure Order 2015 as follows:

- Neighbour notification letters sent to adjoining properties
- Site Notice displayed

Overall consultation expiry: 11/4/2024

No neighbour representations have been received in response to the above publicity.

Assessment

Principle of Development

The site falls within Green Belt meaning Policy GB1 and Policy GB2 apply.

Local Plan Policy GB1 states that the Green Belt will be protected from inappropriate development in accordance with national policy. The NPPF sets out the national policies in regard to Green Belt.

Paragraph 152 of the NPPF states: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. *'Very special circumstances'* will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 sets out the exceptions of inappropriate development. The exceptions include:

- a) buildings for agriculture and forestry;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Local Plan Policy GB2 states that *'provided it will not have a harmful impact on the appearance, or character and will preserve the openness of the Green Belt, we will allow the following*

development in the Green Belt: Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.'

Whilst the proposed development is not technically a replacement building, the principle of the development has previously been established as per planning permission 2020/1212. The building is of an agricultural nature and therefore accords with Paragraph 154(A) as a suitable exception to inappropriate development subject to there being no wider harm upon openness of the Green Belt.

The principle of the development is therefore considered to be acceptable subject to the considerations as followed.

Design, Appearance and Impact upon Openness of Green Belt

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials.

NPPF Section 13 sets out the importance of the Green Belt including the protection of its openness.

The footprint of the building is broadly in-line with the size of the previously approved barn, albeit the roof span is slightly wider to create the overhang feature. Nevertheless, this wider roof span means the overall roof ridge height has been reduced from 6.3m to 6m.

The building is of a suitable size for its intended use and is typical in scale and design. The blockwork and timber exterior is acceptable, and is in-keeping with the appearance of the existing farm buildings. As mentioned in the report for the previous permission, the GDPO (Schedule 2, Part 6, Class A) allows agricultural buildings up to 1000sqm without requiring planning permission subject to the criteria set out. As this building is to be used for livestock and sits within less than 400m of a residential dwelling, the building does not meet the criteria thus requires full planning permission. However, in terms of size and scale, this building is well below the 1000sqm limit, being circa 340sqm (including the overhang space). On this basis the scale of the building is considered to cause minimal impact upon the openness of the Green Belt.

The main difference between this current scheme and that previously approved is the position/siting of the building. The proposed building sits 14m north and 3m to the west in comparison to the previous proposal. Although the building sits slightly more centrally/further away from the southern boundary hedgerow, it is not considered to cause a harmful impact upon the openness of the Green Belt. The new position of the building is closer to the existing built form in comparison and therefore does not appear isolated from the existing farmstead.

The close proximity between the western elevation and the adjacent tree line also helps to soften the appearance of the building and reduce the harm upon the openness, in addition to the reduced ridge height.

Overall, the proposed building is not considered to cause significant harm upon the openness of the Green Belt and is in-keeping with the rural character of the application site and its surroundings. The appearance, design and scale is typical for an agricultural building and accords with the relevant policies quoted above.

Impact Upon Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and are compatible with neighbouring land and do not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

The wider area is agricultural in nature and other than the existing farmhouse, no other residential properties are located within close proximity to the site. It is recognised that the keeping of livestock can introduce smells and odours. However, the Pollution Control Officer has raised no concerns regarding the impact upon residential amenity given the absence of immediately adjacent neighbours. Additionally, there has been no representations received in response to the publicity.

Nevertheless, to further protect neighbouring amenity, conditions are attached to ensure that the building is used only for the purposes it was intended, as set out in the submitted planning statement. The building and the associated access shall be used for agricultural uses only and the conditions attached are consistent with the previous permission.

Public Right of Ways

It is recognised that the previous application was amended following concerns raised by the PROW Officer and the potential impact upon the recorded footpath. Previous comments stated that the building should not obstruct the footpath at any point.

This proposal does partially intersect PROW path number: 19 with the north- eastern corner of the building/overhang of the roof encroaching upon footpath route. On this basis, the applicant has failed to accord with the guidance provided by the PROW Officer during the previous assessment, who confirmed that the Council do have enforcement powers to halt construction/remove the building.

Nevertheless, the application of PROW regulation is not a planning matter and falls outside the remit of planning. The submitted plans propose diverting the existing PROW route, and the PROW Officer has suggested that this would be acceptable in principle. However, the development hereby proposed relates to the building only and not the footpath diversion, and this would be subject to the relevant diversion application process.

Whilst it is disappointing that the previous guidance has not been followed in regard to obstructing the existing PROW, this is not a material planning matter and therefore does not constitute as a reason for refusal.

Ecology

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

The previous application was supported by an ecology survey (dated: June 2018) which concluded that the development would be acceptable subject to the installation of bird and bat boxes, with the consultation response referred to in the report as follows: *The recommendations for mitigation in Section 5 of the report may be referred to by way of condition. Hence, approval of the application is recommended subject to conditions.* However, this condition appears to have been missed from the 2020/1212 recommendation/decision notice.

The applicant has confirmed that the bird/bat boxes have not been installed to date. Although that ecology survey is now out of date, a copy has been provided and reviewed by the Ecologist who has no further objections subject to those recommendations still be applied. On this basis a condition is attached to secure the bird/bat boxes being installed within 1 month of this decision.

Conclusion

Based on the assessment above it is considered that the proposed development is acceptable. The development will not harmfully impact the openness of the Green Belt nor its appearance, and the character and scale of the building is in-keeping with its surroundings.

The use of the building for agricultural purposes is acceptable and conditions are attached, consistent with the previous permission, to ensure that the building is not used for activities other than those specified in the planning statement. Similarly, the previous condition regarding access to the building is also applied for consistency.

There are no immediately adjacent neighbours which would be impacted by the development, and the proposed use is in-keeping with the site's rural nature. The installation of the recommendations as set out in the submitted ecology survey will minimise any impact upon the existing wildlife.

The development is therefore in compliance with Local Plan Policies GB1, GD1, BIO1, POLL1 and D1 and is acceptable.

Recommendation

Approve with conditions

